

Remarks/Arguments

The applicants' would like to thank the Examiner for agreeing to meet. In response to the interview conducted with Examiner Charles E. Cooley on December 6, 2007, the following Interview Summary is included. The interview was attended by Wendy M. Slade (53,604), Alyssa A. Finamore (55,177) and Examiner Charles E. Cooley. Amendments to the claims 1 and 14 were proposed as "... defining structure of the rotor (such as the inner space 17) that enables gas flow to pass in direct contact with the samples...." The amendments made in this response to independent claims 1 and 14 are based on the discussions of the interview.

Claims 1-12 and 14 remain in the application. It is noted that the Examiner has acknowledged claim 10 is directed to allowable subject matter. Claims 1, 3, 7 and 14 are currently amended to more clearly claim the subject matter of the applicants' invention. Claim 13 was previously cancelled. No new matter has been added.

The Examiner has rejected claims 1-9, 11 and 14 under 35 U.S.C 103(a), as being obvious over the primary reference to Pickels et al (US 2,878,992) in view of Malmquist (WO 00/58013). The Examiner states that the Pickels patent discloses a device for centrifuging, which includes a rotor means with air exchange

and reaction vessels containing samples. The secondary reference to Malmquist is considered relevant due to its use of microtitre plates.

In light of the amendment it is respectfully submitted that the Pickels patent does not contain all of the claimed elements of the applicants' invention, namely "... an inner space formed between a base portion and a lid portion of said rotor means which enables gas flow to pass in direct contact with the said at least one microtitre plate." No such space is found in the Pickles patent. The Pickels patent is designed to funnel air into the opening in the center of the rotor means. The opening 69 is located at the center of the rotor means, and therefore, the passage of air is drawn in from the top of the rotor means traveling down the center of the rotor means and out of the bottom of the rotor means. This movement of air would not bring the air into a "inner space" which then allows the air to be moved in "direct contact" with the reaction vessels.

It is respectfully submitted that the Pickels patent does not recite the claimed elements of the applicants' invention. Namely, the element described on page 7 starting at line 27, "... an inner space 17 is formed between the base portion 6 ... and the lid portion 7 ..." of the rotor means. This space allows for ambient gas to pass in direct contact with the reaction vessels.

This is found in Claim 1 as "... an inner space formed between a base portion and a lid portion of said rotor means which enables gas flow to pass in direct contact with the said at least one microtitre plate. " of the applicants' claimed invention. The Pickels patent does not have "an inner space" which allows "directs contact" with the reaction vessels. Thus the Pickels patent does not read on the claims of the applicants' invention. Since the primary reference to Pickels does not contain all of the claimed elements of the applicants' invention the combination of the primary reference and the secondary reference to Malmquist would not yield the applicants' claimed invention. We respectfully request the removal of the rejection.

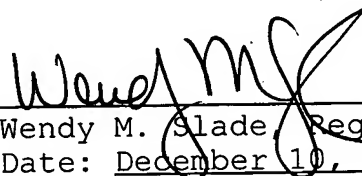
The Examiner has issued a rejection of Claim 12 under U.S.C. 103(a) as being obvious over the primary reference to Pickels et al (US 2,878,992) and secondary reference of Malmquist (WO 00/58013) in further view of Kubota (US 4,193,536). The Kubota patent is considered relevant for introducing a "cooling means" into the system. However, the combination of these references does not teach every element of Claim 12. As discussed above, the Pickels patent does not teach an "inner space" into which ambient air is directed pass the reaction vessels which is a limitation of Claim 12. Therefore the primary reference to Pickels and the secondary references of Malmquist and Kubota when

combined would not result is the applicants' claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration of the claim rejections is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned agent of record at the telephone number provided below for purposes of facilitating prosecution of this application and for scheduling a follow up interview, if necessary.

Respectfully submitted,

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Date: December 10, 2007

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